



# TYPE II APPLICATION – LAND USE

File #: \_\_\_\_\_

**TYPES – PLEASE CHECK ONE:**

- Design review
- Tentative Plan for Partition
- Tentative Plan for Subdivision
- Type II Major Modification
- Variance \_\_\_\_\_
- Other: (Explain) \_\_\_\_\_

**APPLICANT INFORMATION:**

APPLICANT: Brad Kilby, Harper Houf Peterson Righellis, Inc.  
 ADDRESS: 205 SE Spokane Street, Suite 200 Portland, OR 97202  
 EMAIL ADDRESS: brack@hhpr.com  
 PHONE: 503-221-1311 MOBILE: \_\_\_\_\_ FAX: \_\_\_\_\_  
 OWNER (if different from above): Newberg Public Schools - Attn: Nikki Fowler, Director of Finance PHONE: 503-554-5004  
 ADDRESS: 714 East 6th Street Newberg, OR 97132  
 ENGINEER/SURVEYOR: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

**GENERAL INFORMATION:**

PROJECT NAME: ACES Campus Improvements PROJECT LOCATION: 203 West Foothills Drive  
 PROJECT DESCRIPTION/USE: Construction of 1 covered play area PROJECT VALUATION: \$250,000  
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3207 01001 ZONE: R1 SITE SIZE: 16.84 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: LDR TOPOGRAPHY: Flat  
 CURRENT USE: Antonia Crater Elementary School  
 SURROUNDING USES:  
 NORTH: Community Facility/Public Park SOUTH: Residential  
 EAST: Residential WEST: Chehalem Valley Middle School

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

- Design Review .....p. 12
- Partition Tentative Plat .....p. 14
- Subdivision Tentative Plat .....p. 17
- Variance Checklist .....p. 20

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

\_\_\_\_\_  
 Applicant Signature Date

Nikki L. Fowler  
Nikki L. Fowler (Oct 5, 2021 14:40 PDT)  
 \_\_\_\_\_  
 Owner Signature Date

Nikki L. Fowler  
Nikki L. Fowler (Oct 5, 2021 14:40 PDT)  
 \_\_\_\_\_  
 Print Name

Nikki L. Fowler  
 \_\_\_\_\_  
 Print Name

## **GENERAL INFORMATION**

### **Type II Development Permit Process**

**Overview:** Type II Permit applications are reviewed administratively using a process in which City staff apply clear and objective standards that do not allow limited discretion. Notice is provided to property owners within 500 ft of the site so that they may provide input into the process. The noticing comment period is limited to 14 days in which written comments may be filed. The applicant or any person that comments in writing is able to appeal the staff decision to the Planning Commission. During the 14 day notice period, anyone may request that a Type II Subdivision decision be converted to a Type III process and that a hearing be held before the Planning Commission. Type II Decisions may take from 30 to 120 days.

#### **Type II Permits Include:**

- Design review for commercial, industrial and multi-family projects
- Manufactured home parks and mobile home parks.
- Partitions
- Subdivisions except those meeting the criteria in NDC § 15.235.030(A)
- Variances

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#### **Pre-Application Conference:**

Please call to schedule a time for a pre-application meeting (optional) prior to submitting an application. The (Development Review Meetings) or pre-application meetings are held every Wednesday. This meeting provides the opportunity to get advance information from Planning, Engineering, and Building divisions all at once. It is likely to save you time and effort later. The non-refundable pre-application conference fee is \$105, payable prior to the conference.

#### **Submit Type II Application**

- ◆ Pay fees
- ◆ Complete application form(s)
- ◆ Submit plans and other required information

#### **Processing**

- ◆ Staff will perform a completeness check of the application and notify applicant of any information that is missing or incomplete. Processing time 0 to 30 days.
- ◆ Staff will route the application to affected agencies and City departments Processing time 14 to 20 days
- ◆ Applicant will provide copies of mailed and posted notices to the City for review, mail the approved notice to property owners within 500 ft. of the site, post the site, and provide staff with an affidavit verifying that the notice was mailed and posted. Processing Time: 14 to 20 days.
- ◆ Subdivision Conversion to Type III Review. During the 14 day comment period, anyone may request that a subdivision application be converted to a Type III review process. If this occurs, the subdivision will be reviewed by the Planning Commission at their next available meeting. Processing Time: 30 to 60 days.
- ◆ If all comments are addressed and no changes are required, then an approval letter is sent to the applicant and those providing comment. Processing Time: 14 to 20 days.

## **GENERAL INFORMATION**

### **Type II Development Permit Process**

#### **Appeals**

If the applicant, or another party providing written comments within the noticing period, is dissatisfied with the decision; then an appeal must be filed within 14 calendar days of the issuance of the decision. Appeals of Type II decisions proceed to the Planning Commission and are processed as a Type III decision.

#### **Partition and Subdivision Plats**

The applicant must submit final improvement plans and a final partition or subdivision plat within two years of the date of preliminary plat approval. Final plats are processed under a Type I decision.

#### **Building Permits**

The applicant may submit building permit applications concurrently with submission of other development applications; however, no building permits will be issued until the appeal period has expired on pending development applications

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#### **Helpful Hints:**

##### **Questions?**

Information is free! Please do not hesitate to call (503) 537-1240 prior to submitting the application.

##### **Partial Applications**

Please do not submit partial applications. If the application, plans, and fee are not submitted together; processing will be delayed and the application may not be accepted for review.

##### **Face-to-Face**

It is best to submit an application in person. That way you can receive immediate feedback if there is missing information or suggestions for improvements.

# NEWBERG PERMIT CENTER FEE SCHEDULE Effective Date: April 1, 2021

**5% Technology fee will be added to total fees (resolution No. 2016-3268)**

<b>PRE-APPLICATION REVIEW</b> .....	<b>\$100</b>
<b>TYPE I (ADMINISTRATIVE REVIEW)</b>	
ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION .....	\$182
PROPERTY CONSOLIDATION .....	\$182
CODE ADJUSTMENT .....	\$455
DESIGN REVIEW - TYPE I (DUPLIX OR COM. /IND. MINOR ADDITION REVIEW) .....	0.3% OF PROJECT VALUE, \$455 MINIMUM
MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION .....	\$182
MAJOR MODIFICATION OF TYPE I DECISION .....	50% OF ORIGINAL FEE
PARTITION FINAL PLAT .....	\$913 + \$80 PER PARCEL
PROPERTY LINE ADJUSTMENT .....	\$913
SIGN REVIEW .....	\$10 PLUS \$1.00 PER SQ. FT. OF SIGN FACE
SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT .....	\$1830 + \$80 PER LOT OR UNIT
<b>TYPE II (LAND USE DECISION)</b>	
ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION .....	\$913
MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION .....	\$182
MAJOR MODIFICATION OF TYPE II DECISION .....	50% OF ORIGINAL FEE
DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS) .....	0.6% OF TOTAL PROJECT COST, \$913 MINIMUM*
PARTITION PRELIMINARY PLAT .....	\$913 PLUS \$80 PER PARCEL
SUBDIVISION PRELIMINARY PLAT .....	\$1830 PLUS \$80 PER LOT
VARIANCE .....	\$913
<b>TYPE III (QUASI-JUDICIAL REVIEW)</b>	
ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION .....	\$1939
ANNEXATION .....	\$2549 PLUS \$244 PER ACRE
COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC) .....	\$2389
CONDITIONAL USE PERMIT .....	\$1939
MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION .....	\$182
MAJOR MODIFICATION OF TYPE III DECISION .....	50% OF ORIGINAL FEE
HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION .....	\$0
HISTORIC LANDMARK ELIMINATION .....	\$2223
SUBDIVISION PRELIMINARY PLAT .....	\$1830 PLUS \$80 PER LOT
PLANNED UNIT DEVELOPMENT .....	\$3872+\$80 PER LOT OR UNIT
ZONING AMENDMENT (SITE SPECIFIC) .....	\$2415
<b>TYPE IV (LEGISLATIVE AMENDMENTS)</b>	
COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION .....	\$2747
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION .....	\$2747
<b>APPEALS</b>	
TYPE I OR II APPEAL TO PLANNING COMMISSION .....	\$524
TYPE I OR II APPEAL TO CITY COUNCIL .....	\$950
TYPE III APPEAL TO CITY COUNCIL .....	\$1115
TYPE I ADJUSTMENTS OR TYPE II VARIANCES (THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT) .....	\$294
EXHIBITOR LICENSE FEE APPEAL TO THE CITY COUNCI .....	50% OF EXIBITOR LICENSE FEE
<b>OTHER FEES</b>	
TECHNOLOGY FEE ( <i>This fee will be added to all Planning, Engineering and Building Fees, does not apply to SDC fees</i> ) 5% OF TOTAL EXPEDITED LAND DIVISION .....	\$6803 + \$80 PER LOT OR UNIT
URBAN GROWTH BOUNDARY AMENDMENT .....	\$4348
VACATION OF PUBLIC RIGHT-OF-WAY .....	\$1804
FEE-IN-LIEU OF PARKING PROGRAM .....	\$13,780 PER VEHICLE SPACE
BIKE RACK COST SHARING PROGRAM .....	\$100 PER RACK
<b>LICENSE FEES</b>	
GENERAL BUSINESS .....	\$50
HOME OCCUPATION .....	\$25
PEDDLER/SOLICITOR/STREET VENDOR .....	No fee (Business License fee only)
EXHIBITOR .....	\$134
TEMPORARY MERCHANT .....	\$109/45 days or \$361/perpetual

## **ADDITIONAL LAND USE REVIEW FEES - ENGINEERING DEPARTMENT**

Planning Review, Partition, Subdivision & PUD's (Type 11/111 Application) -	\$296.71 - 19 lots, Plus \$13.90 per lot over 19 lots
Final Plat Review, Partition and subdivision .....	\$296.71 Plus .....\$7.45 per lot or parcel
Development review for public improvements on Commercial, Industrial, Multifamily Developments & Institutional zones	\$414.95 1st Acre \$237.02 Additional acre

**ADOPTION AND REVISION HISTORY:**  
 Adopted by: Resolution 98-2122, July 6, 1998  
 Amended by: Resolution 99-2214, December 8, 1999  
 Resolution 2000-2265, October 2, 2000  
 Resolution 2001-2318, November 19, 2001  
 Executive Order January 2, 2007 (Reso. 99-2210)  
 Executive Order October 24, 2008  
 Executive Order, December 16, 2002 pursuant to Resolution 99-2210

Executive Order, January 22, 2002 pursuant to Resolution 99-2210  
 Resolution 2004-2466, November 3, 2003  
 Resolution 2007-2752, December 3, 2007  
 Executive Order November 29, 2011(2011-32)  
 Executive Order October 24, 2012(2012-34)  
 Resolution 2014-3140, May 19, 2014  
 Executive Order April 1, 2015 (2015-42)  
 Resolution 2016-3268, April 18, 2016

Resolution 2017-3361 March 2017  
 Resolution 2018-3443 March 2018  
 Resolution 2019-3539 March 2019  
 Resolution 2020-3646 March 2020  
 Resolution 2021-3722 March 2021

# CITY OF NEWBERG

## REQUIREMENTS FOR MAILED NOTICES

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For all Type II and Type III land use applications, mailed notice must be sent to all property owners within five hundred (500) feet of the site. Newberg Development Code §15.100.210 sets forth the requirements for mailed notices. The applicant is responsible for preparing and mailing the notices, for paying the postage, and for submitting an affidavit of mailing within two days of mailing the notices.

### **Mailing List:**

- The applicant must create a mailing list including the tax lot numbers and addresses of property owners within five hundred (500) feet of the outer boundaries of the tax lot or tax lots of the proposed project. This information can be obtained at a local title company.
- The Planning & Building Department may request that notice be provided to people other than those who own property within five hundred (500) feet of the site, if the Department believes that they are affected or otherwise represent an interest that may be affected by the proposed development.
- The mailing list and a copy of the mailed notice should be submitted with the affidavit of mailing.
- Envelopes returned to the post office should go to the Planning & Building Office so that they can be kept with the application file. The return address on the notices should read:

City of Newberg  
Community Development  
P.O. Box 970  
Newberg, OR 97132

A return address stamp is available at the Planning & Building Office for your convenience.

### **Mailed Notice Deadlines:**

- Before mailing the notice, the applicant must submit a copy for approval to the Community Development Office at 414 E. First Street, Newberg, Oregon.
- For Type II actions, the notice must be mailed at least fourteen (14) days before a decision is rendered. For Type III actions, the notice must be mailed at least twenty (20) days before the first new hearing, or if two or more hearings are required, ten (10) days before the first new hearing.
- The affidavit of mailing must be submitted to the Planning & Building Office within two (2) days of mailing the notice.

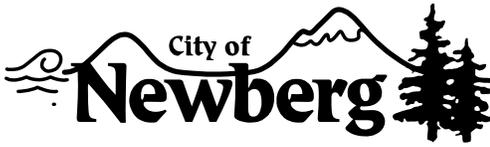
### **Sample Notices:**

A sample notice is included on the following page. Information to be filled in by the applicant is indicated by italicized text. Sample notices for each application type are located on the web at:

<http://www.newbergoregon.gov/planning/sample-notice-forms-type-ii-applications>

(Or to navigate there on your own from the homepage ([www.newbergoregon.gov](http://www.newbergoregon.gov)): Government, Community Development, Planning, Planning Forms)

CITY OF NEWBERG TYPE II  
SAMPLE MAILED NOTICE



Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132  
503-537-1240. Fax 503-537-1272 [www.newbergoregon.gov](http://www.newbergoregon.gov)

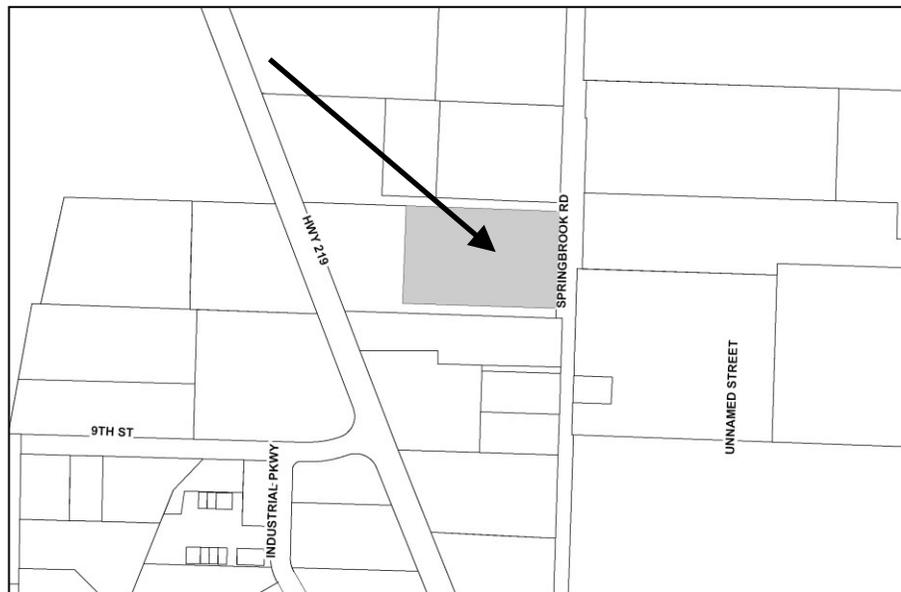
**WE WANT YOUR COMMENTS ON A PROPOSED NEW  
DEVELOPMENT IN YOUR NEIGHBORHOOD**

A property owner in your neighborhood submitted an application to the City of Newberg to subdivide a parcel of land from (*insert number of original lots i.e. one, two, etc*) lot(s) into (*insert number of lots created*) separate lots. You are invited to take part in the City's review of this project by sending in your written comments. You also may request that the Planning Commission hold a hearing on the application. The applicable criteria used to make a decision on this application for preliminary subdivision plan approval are found in Newberg Development Code 15.235.050(A). For more details about giving comments, please see the back of this sheet.

The development would include (*briefly describe what the project number of lots, size of lots, new streets created, etc.*)

- APPLICANT: *Applicant's name*  
TELEPHONE: *Applicant's phone number*
- PROPERTY OWNER: *Property owner name*
- LOCATION: *Project Address*
- TAX LOT NUMBER: *Yamhill County Tax Map and Lot Number (i.e. 3219AB-1400)*

Insert site map with the project location highlighted as shown on the adjacent sample map.



We are mailing you information about this project because you own land within 500 feet of the proposed new project. We invite you to send any written comments for or against the proposal within 14 days from the date this notice is mailed. You also may request that the Newberg Planning Commission hold a hearing on the application by sending a written request during this 14-day period and identifying the issues you would like the Planning Commission to address.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No.XX  
City of Newberg  
Community Development  
PO Box 970  
Newberg, OR 97132

**(City staff will give you the file number for your project at the time of application)**

All written comments must be turned in by 4:30 p.m. on ***enter date two weeks from date you mailed notice***. Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the City in writing before this date. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for preliminary subdivision plan approval are found in Newberg Development Code 15.235.050(A).

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

The Community Development Director will make a decision at the end of a 14-day comment period. If you send in written comments about this project, you will be sent information about any decision made by the City relating to this project.

Date Mailed: ***Date notice is mailed***

# CITY OF NEWBERG

## REQUIREMENTS FOR POSTED NOTICES

For all Type II and Type III land use applications, the site must be posted with an approved notice. Newberg Development Code §15.100.260 establishes the standards for posted notices. Before notice is posted on the site, a copy of the notice must be submitted to the Planning & Building Office for review. Within two (2) days of posting the site, an affidavit of posting must be submitted to the Community Development office.

### **Posted notices must contain the following information:**

- Planning Division file number
- A brief description of the proposal
- Phone number and address for the Newberg Planning & Building Department, 414 E. First Street, phone 503-537-1240

### **Guidelines for Posting Notice:**

- The posted notice must be waterproof and a minimum of two (2) feet by three (3) feet in size.
- Each frontage of the site must be posted. If a frontage is more than six hundred (600) feet in length, additional notices are required for each six hundred (600) feet or fraction thereof. For example, a lot with a 1400' frontage on Wyooski Street must be posted with three notices along that frontage.
- The notices must not be posted within the public right-of-way, though they must be within ten (10) feet of it.
- The notices must be clearly visible to pedestrians and motorists in the public right-of-way, and must not be posted on trees.
- For Type II applications, the site must be posted at least fourteen (14) days before a decision is rendered.
- For Type III applications, the site must be posted at least ten days (10) before the first scheduled hearing.

### **Signs for posted notices:**

The posted notices must be able to withstand adverse weather. All posted notice signs must conform to the attached example. Signs must be landscape orientation and white with black lettering ("sans-serif" font i.e. Arial or block printing).

Signs may be ordered custom-made from sign companies such as Chehalem Sign Co., or applicants may construct their own signs.

### **Acceptable materials for notice signs:** (dimensions: minimum 2' x 3')

- Plywood (but sign face must be white)
- Plastic or corrugated plastic
- Foam core board (available at many art and hobby supply shops)
- Water resistant poster board
- Other weatherproof materials

Posted notice signs may not be attached to trees, and must be located outside the public right-of-way but within ten (10) feet of it. Therefore, the signs should have legs or stakes or otherwise be freestanding.

### **Removal of Posted Notice:**

The notice must remain posted until a final decision is made. Within ten (10) days of the final decision, the notice(s) must be removed from the site by the applicant.

**CITY OF NEWBERG  
SAMPLE POSTED NOTICE**

**Land Use Notice**

**FILE #** (insert the file number assigned to you at the time of application)

**PROPOSAL:** (insert general description of project)

**FOR FURTHER INFORMATION, CONTACT:**

City of Newberg  
Community Development Department  
414 E First Street  
Phone: 503-537-1240

2'

3'

Notice must be white with black letters, and must be landscape orientation, as shown above. The notice must be lettered using block printing or a "sans-serif" font, such as Arial.

# **CITY OF NEWBERG**

## **AFFIDAVIT OF NOTICING REQUIREMENTS**

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The affidavit on the following page must be submitted to the Community Development Department **within two (2) days of mailing notice** and **within two (2) days of posting notice**. The consequences of failure to mail and post notice, and to submit the affidavits within the two (2) day deadline are described in Newberg Development Code §15.100.210(J) and §15.100.260(I).

### **§15.100.210(J) - Failure to Mail the Notice:**

Failure to mail the notice and affirm that the mailing was completed in conformance with the code shall result in:

- (1) Postponement of a decision until the mailing requirements have been met; or
- (2) Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
- (3) The entire process being invalidated; or
- (4) Denial of the application.

### **§15.100.260(I) - Failure to Post the Notice:**

The failure of the posted notice to remain on the property shall not invalidate the proceedings. Failure by the applicant to post a notice and affirm that the posting was completed in conformance with the code shall result in:

- (1) Postponement of a decision until the mailing requirements have been met; or
- (2) Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
- (3) The entire process being invalidated; or
- (4) Denial of the application.

PLANNING DIVISION FILE #: \_\_\_\_\_

**CITY OF NEWBERG  
AFFIDAVIT OF NOTICING**

**REFERENCE ATTACHED LIST(S)/NOTICE(S)**

I, \_\_\_\_\_, do hereby certify that the attached Notice of Land Use Action was:

- a) mailed to the following list of property owners, by United States mail, postage prepaid  
on \_\_\_\_\_;  
(date)
  
- b) posted on the site according to standards established in Newberg Development Code §15.100.260  
on \_\_\_\_\_.  
(date)

I acknowledge that failure to mail the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledge that failure to mail will result in the automatic postponement of a decision on the application 15.100.210.(D)(2) \_\_\_\_\_.  
(date)

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Print name

## §15.220.050 - TYPE II DESIGN REVIEW CRITERIA

### **Type II Site Design Review applies to the following activities:**

- Any new development or remodel which is not specifically identified within Newberg Development Code § 15.220.020(A)(1).
- Telecommunication facilities.

### **The following development activities are exempt from Type II standards:**

- Replacement of an existing item such as a roof, floor, door, window or siding.
- Plumbing and/or mechanical alterations which are completely internal to an existing structure.

### **Provide a written response that specifies how your project meets the following criteria:**

- (1) Design Compatibility. *The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.*
- (2) Parking and On-Site Circulation. *Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.*
- (3) Setbacks and General Requirements. *The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements*
- (4) Landscaping Requirements. *The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.*
- (5) Signs. *Signs shall comply with NMC 15.435.010 et seq. dealing with signs.*
- (6) Manufactured Dwelling, Mobile Home and RV Parks. *Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.*
- (7) Zoning District Compliance. *The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.*
- (8) Sub district Compliance. *Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.*
- (9) Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. *Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.*
- (10) Traffic Study Improvements. *If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director. [Ord. 2763 § 1 (Exh. A § 7), 9-16-13; Ord. 2747 § 1 (Exh. A § 5), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.194.]*

## DESIGN REVIEW CHECKLIST

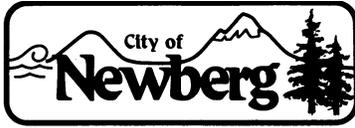
The following items must be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division regarding additional requirements for your project.

- FEES**
- PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list of all properties within 500’.
- CURRENT TITLE REPORT** (within 60 days old)
- SUBMIT one original and three copies 8-1/2" x 11" or 11" x 17" reproducible document together with 20 copies of the following information. In addition, submit two (2) full size copies of all plans.**
- WRITTEN CRITERIA RESPONSE** – Address the criteria listed on page 12.
- SITE DEVELOPMENT PLAN.** Make sure the plans are prepared so that they are at least 8 ½ x 11 inches in size and the scale is standard, being 10, 20, 30, 40, 50, 100 or multiples of 100 to the inch (such as 1":10', 1":20' or other multiples of 10). Include the following information in the plan set (information may be shown on multiple pages):
  - Existing Site Features: Show existing landscaping, grades, slopes, wetlands and structures on the site and for areas within 100' of the site. Indicate items to be preserved and removed.
  - Drainage & Grading: Show the direction and location of on and off-site drainage on the plans. This shall include site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project. Provide an engineered grading plan if necessary. A preliminary storm water report is required (see Public works Design and Construction standards).
  - Utilities: Show the location of and access to all public and private utilities, including sewer, water, storm water and any overhead utilities.
  - Public Improvements: Indicate any public improvements that will be constructed as part of the project, including sidewalks, roadways, and utilities.
  - Access, Parking, and Circulation: Show proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points from adjacent streets. Provide dimensions for parking aisles, back-up areas, and other items as appropriate. Indicate where required bicycle parking will be provided on the site along with the dimensions of the parking spaces.
  - Site Features: Indicate the location and design of all on-site buildings and other facilities such as mail delivery, trash disposal, above ground utilities, loading areas, and outdoor recreation areas. Include appropriate buffering and screening as required by the code.
  - Exterior Lighting Plan: Show all exterior lighting, including the direction of the lighting, size and type of fixtures, and an indication of the amount of lighting using foot candles for analysis.
  - Landscape Plan: Include a comprehensive plan that indicates the size, species and locations of all planned landscaping for the site. The landscape plan should have a legend that indicates the common and botanical names of plants, quantity and spacing, size (caliper, height, or container size), planned landscaping materials, and description of the irrigation system. Include a calculation of the percentage of landscaped area.
  - ADA Plan Compliance: Indicate compliance with any applicable ADA provisions, including the location of accessible parking spaces, accessible routes from the entrance to the public way, and ramps for wheelchairs.
  - Architectural Drawings: Provide floor plans and elevations for all planned structures.
  - Signs and Graphics: Show the location, size, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features if applicable.
  - Other: Show any other site elements which will assist in the evaluation of the site and the project.

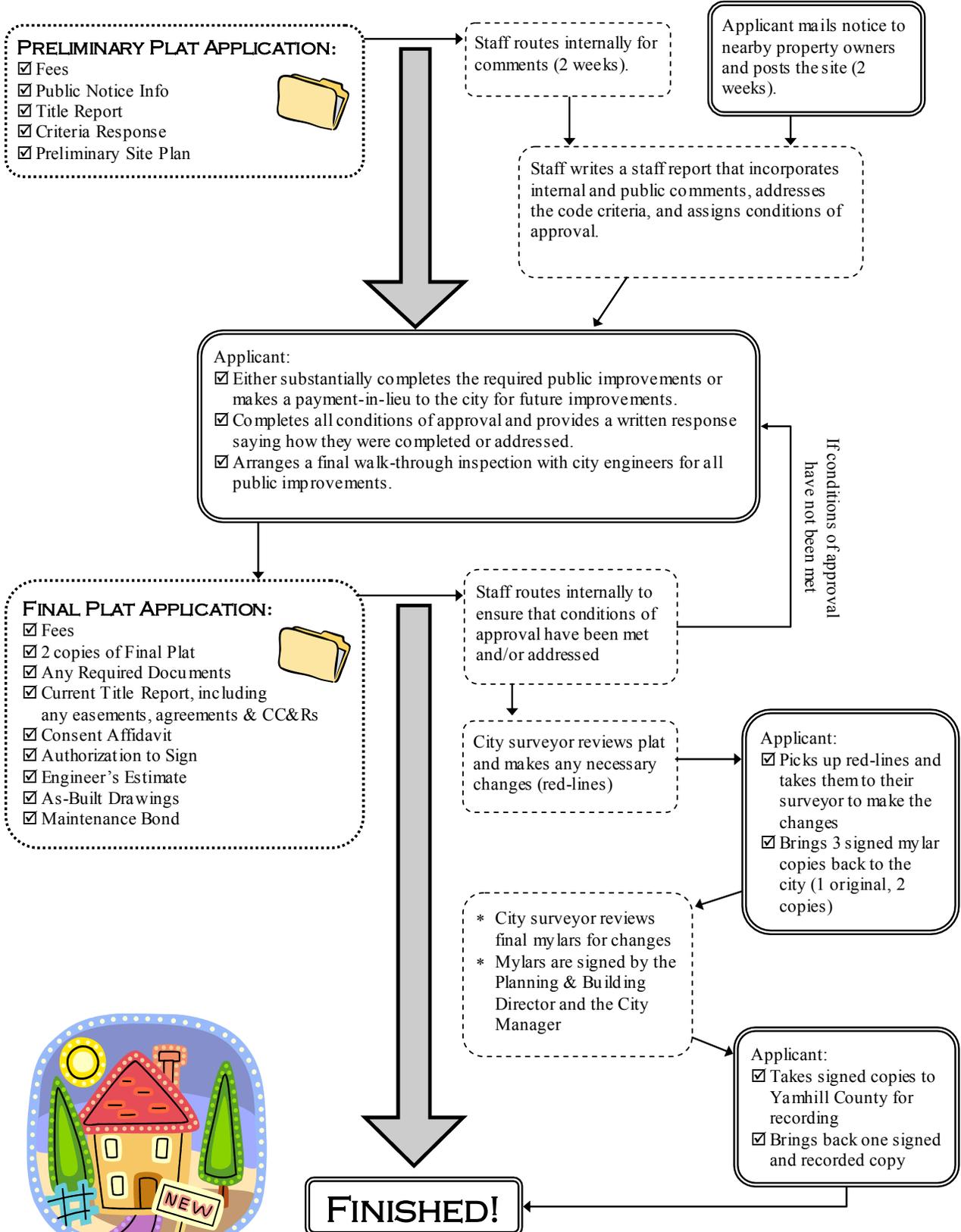
### **TRAFFIC STUDY**

A traffic study shall be submitted for any project that generates in excess of forty (40) trips per p.m. peak hour. This requirement may be waived by the Director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the

Director for projects below forty (40) trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service.



# PARTITION PROCESS



## § 15.235.050 - TYPE II LAND DIVISION CRITERIA

### DEFINITIONS:

**PARTITION:** To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

**SUBDIVISION:** To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

**FINAL PLAT:** A Final plat and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

### GENERAL REQUIREMENTS:

A. Subdivision and Partition Approval through a Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

B. Property line adjustments and lot consolidation requests (i.e., no new lot is created) are subject to Chapter 15.230 NMC; they are not subject to this section.

C. Compliance with ORS Chapter 92. All subdivision and partition proposals shall conform to state regulations in ORS Chapter 92, Subdivisions and Partitions.

D. Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as streets, water, wastewater, gas, and electrical systems, pursuant to Chapters 15.430 and 15.505 NMC.

E. Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to NMC 15.505.050.

F. Adequate Access. All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Chapter 15.440 NMC and NMC 15.505.030.

### PROVIDE A WRITTEN RESPONSE THAT SPECIFIES HOW YOUR PROJECT MEETS THE FOLLOWING CRITERIA:

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of this chapter;
2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;
3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;
4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
5. The proposed streets, utilities, and stormwater facilities conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;
7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

## LAND DIVISION TENTATIVE PLAN CHECKLIST

The following information shall be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division staff regarding additional requirements for your project.

**FEES**

**PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list of all properties within 500’.

**SUBMIT** one original and three copies of the application elements, including two (2) full size plan sets and two (2) reduced, reproducible sets (8-1/2" x 11" or 11" x 17") Additional copies will be requested once the application is reviewed for completeness.

**CURRENT TITLE REPORT** - (within 60 days old)

**WRITTEN CRITERIA RESPONSE** – Address the criteria listed on previous page .

**Preliminary Plat**

Preliminary Plat Information. In addition to the general information described in subsection (A) of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities required by the director:

1. General Information.

- a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in Yamhill County;
- b. Date, north arrow, and scale of drawing;
- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
- d. Zoning of tract to be divided, including any overlay zones;
- e. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and
- f. Identification of the drawing as a "preliminary plat."

2. Existing Conditions. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on existing conditions of the site:

- a. Streets. Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
- b. Easements. Width, location and purpose of all existing easements of record on and abutting the site;
- c. Public Utilities. Location and identity of all public utilities on and abutting the site. If water mains, stormwater mains, and wastewater mains are not on or abutting the site, indicate the direction and distance to the nearest utility line and show how utilities will be brought to standard;
- d. Private Utilities. Location and identity of all private utilities serving the site, and whether the utilities are above or underground;
- e. Existing Structures. Show all structures on the project site and adjacent abutting properties;
- f. Ground elevations shown by contour lines at a minimum two-foot vertical interval for slopes up to 10 percent and five feet for slopes over 10 percent. Show elevations for the subject property and within 100 feet of the subject property. Such ground elevations shall be related to some established

benchmark or other datum approved by the county surveyor; the city engineer may waive this standard for partitions when grades, on average, are less than six percent;

g. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

h. Wetlands and stream corridors;

i. The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;

j. North arrow and scale; and

k. Other information, as deemed necessary by the director for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed Development. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:

a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

b. Easements. Location, width and purpose of all proposed easements;

c. Lots and private tracts (e.g., private open space, common area, or street) with approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;

d. Proposed uses of the property, including all existing structures to remain, areas proposed to be dedicated as public right-of-way or preserved as open space for the purpose of stormwater management, recreation, or other use;

e. Proposed grading;

f. Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;

g. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;

h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;

i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;

j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

k. Evidence of compliance with applicable overlay zones; and

l. Evidence of contact with the applicable road authority for proposed new street connections.

**CC&Rs:** Include a copy of any proposed codes, covenants and restrictions (CC&Rs) which will apply to the project.

**TRAFFIC ANALYSIS**

A traffic analysis may be required for projects below the 40 trips per p.m. peak hour threshold when the development's location or traffic characteristic could affect the traffic safety, access management, street capacity or a known traffic problem or deficiency. The traffic analysis shall be scoped in conjunction with the city and other applicable roadway authority.

**PUBLIC UTILITIES ANALYSIS**

The public facilities analysis shall be scoped with the city and shall address the impact of the proposed development on the public wastewater and water systems. The analysis shall identify and mitigation or improvements necessary to the public facilities to adequately serve the development per city standards under adopted ordinances and master plans.

**STORMWATER ANALYSIS**

The stormwater analysis shall address the criteria listed in Chapter 13.25 NMC

**FUTURE STREETS CONCEPT PLAN**

The future streets concept shall show all existing subdivisions, streets and unsubdivided land surrounding the subject property and show how proposed streets may be extended to connect with existing streets. At a minimum, the plan shall depict future street connections for land within 400 feet of the subject property.

**WETLAND DELINEATION**

A wetland delineation approved by the Oregon Department of State Lands (DSL) shall be submitted for any property listed on the National wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.

## § 15.215.040 - TYPE II VARIANCE CRITERIA

**DEFINITION:** A variance is an exception to provisions of this code where strict or literal interpretation of the ordinances contained herein would result in practical difficulty and unnecessary physical hardship.

**GENERAL REQUIREMENTS:** Variances may be used to allow modification to specific standards contained in this code if the approval authority finds the applicant has satisfactorily documented compliance with the approval criteria. If a variance request is approved, the approval authority may attach conditions to the final decision in order to mitigate adverse impacts which might result from the approval.

The following regulations may not be varied:

- The uses permitted in the land use district.
- Definitions.
- Restrictions on the use or development that contain the word “prohibited.”
- Signs.

### **Provide a written response that specifies how your project meets the following criteria:**

- (A) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.
- (B) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
- (C) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
- (D) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
- (E) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

**Have you met the criteria for a variance? Use these questions to help you determine whether your application meets the above criteria.**

- 1) What code requirement and code section applies to the proposed variance (i.e: setback, lot coverage, height, etc.)?
- 2) What is the reason for the variance?
- 3) What difficulty or hardship would result from complying with the standard in the code?
- 4) How is your situation unique or exceptional and how is this different from other properties that have the same zoning (i.e: unusual lot shape, steep topography, stream on the property, etc.)?
- 5) What type of impacts would granting the variance have on the neighboring properties?
- 6) Are you aware of any concerns previously voiced by the neighbors and if so what are they?
- 7) What can you offer to minimize or mitigate the requested variance (i.e: landscaping, screening, public improvements, etc.)?

## VARIANCE CHECKLIST

The following information shall be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division staff regarding additional requirements for your project.

- FEES**
- PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list to all properties within 500’.
- CURRENT TITLE REPORT** – (within 60 days old)
- SUBMIT one original and three copies 8-1/2" x 11" or 11" x 17" reproducible document together with 20 copies of the following information. In addition, submit two (2) full size copies of all plans.**
- WRITTEN CRITERIA RESPONSE** – Address the criteria listed on page 19.
- WRITTEN STATEMENT** – Prepare a written statement of the precise nature of the variance that is being requested and the reason that you cannot meet the applicable code requirement.
- SITE PLAN.** Make sure the plans are prepared so that they are at least 8 ½ x 11 inches in size and the scale is standard, being 10, 20, 30, 40, 50, 100 or multiples of 100 to the inch. Include the following information in the plan set (information may be shown on multiple pages):
  - All existing and proposed streets
  - Property lines and any easements
  - Existing and proposed uses, structures, driveways and sidewalks
  - Off-street parking and loading areas
  - Landscaping
  - Any other information that helps illustrate the proposal

# 001\_ACES Land Use Application Form

Final Audit Report

2021-10-05

Created:	2021-10-05
By:	Mary Dolan (mdolan@cornerstonemgi.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAEsHex27a_E262PajCcbDp-B0GN8htXAi

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